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MITIGATED NEGATIVE DECLARATION

August 14, 2008

Project Name: Kenwood Apartments

Project Number(s): STP06-032, ER 06-19-026

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Noise,
Drainage, and Stormwater
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. NOISE

1. Prior to obtaining any building or other permit pursuant to this Site Plan (S06-032), and prior to commencement of construction or use of the property in reliance on this Site Plan (S06-032), the applicant shall:
 - a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical consultant, demonstrating that the present and anticipated future traffic noise levels within 105 feet from the Kenwood Drive centerline for the interior of any noise sensitive areas of these apartment units will not exceed the allowable sound level limit within the Noise Element of the San Diego County General Plan [interior (45 dB CNEL)]. Future traffic noise level estimates must utilize a Level of Service "C" traffic flow for a Collector Road for Kenwood Drive, which is the designated General Plan Circulation Element buildout roadway classification.
 - b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis prepared by Eilar Associates (dated May 23, 2007) into the project design and building plans.
2. Prior to any occupancy or use of the premises pursuant to this Site Plan (S06-032), the applicant shall ensure the following conditions are complied with:
 - a. The Director of the Planning and Land Use (Building Inspector) shall verify that a single RUUD 13AJA Series HVAC Condensing unit with a single unit sound power level of 77.0 dBA or equivalently sized unit has

been installed in each of the private patio areas of Units 1, 2, 3, 4, 5, 6 & 7 pursuant to the approved building plans and Site Plan S06-032.

- b. The Director of the Planning and Land Use (Building Inspector) shall verify that a single RUUD 13AJA Series HVAC Condensing unit with a single unit sound power level of 77.0 dBA or equivalently sized unit has been installed southeast of Unit 8, immediately east of the proposed hallway pursuant to the approved building plans and Site Plan S06-032.
- c. The Director of the Planning and Land Use (Building Inspector) shall verify that a 6 foot high vinyl or wooden fence located along the northern, eastern and western perimeter of the project site has been installed pursuant to the approved building plans and Site Plan S06-032.
- d. The Director of the Planning and Land Use (Building Inspector) shall verify that a 3 foot high stucco wall enclosing the private patios of Units 1, 2, 3, 4, 5, 6 & 7 has been installed pursuant to the approved building plans and Site Plan S06-032.

C. Paleontological Resources

- 1. Prior to the approval of any grading and or improvement plans and prior to issuance of any grading or construction permit pursuant to this Site Plan (S06-032), and prior to commencement of construction or use of the property in reliance on this Site Plan (S06-032), the applicant shall:
 - a. Implement the following relating to the paleontological grading monitoring program, to mitigate potential impacts to undiscovered buried paleontological resources on the Project site. The following implementation shall be to the satisfaction of the Director of Planning and Land Use: **[DPLU, FEE X2]**
 - i. Provide evidence that a County approved Paleontologist ("Project Paleontologist") has been contracted to implement a grading monitoring and potential data recovery program which complies with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use.
 - ii. The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public

Works and included in the Bond Cost Estimate for the required Grading.

- b. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans, and or Building Plans:

(Paleontological Resources)

- i. "The Qualified Paleontologist or Qualified Paleontological Resources Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the Paleontological Resources Mitigation Program."
- ii. "During the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist."
- iii. "If paleontological resources are encountered during grading/excavation:
 - 1. The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
 - 2. The Qualified Monitor shall immediately contact the Qualified Paleontologist.
 - 3. The Qualified Paleontologist shall contact the County's Permit Compliance Coordinator immediately.
 - 4. The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume."
- iv. "If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:

1. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
 2. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
 3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).
- v. "Prior to Rough Grading Inspection Sign-off, provide evidence that monitoring for paleontological resources has been completed. Evidence shall be in the form of a letter from the Qualified Paleontologist to the Director of Planning and Land Use." **[DPLU, FEE]**.
- vi. "Prior to Final Grading Release:"
1. "If no paleontological resources were discovered, submit a letter report from the Qualified Paleontologist to the director of Planning and Land Use stating that the monitoring has been completed and that no paleontological resources were discovered." [DPLU FEE]
 2. "If paleontological resources were discovered, the Following tasks shall be completed by or under the supervision of the Qualified Paleontologist:
 - a. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 - b. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;

- c. Submit a detailed report prepared by the Qualified Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of DPLU for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils." **[DPLU FEE]**
- d. "Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of DPLU verifying that the curated fossils from the project site have been received by the institution." **[DPLU FEE]**

OR

"Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Paleontological Resources Mitigation Program Report that documents the results, analysis, and conclusions of all phases of the Program, and a 10 percent cash deposit not to exceed \$15,000. A detailed cost estimate shall be prepared by the Qualified Paleontologist to the satisfaction of the Director of Planning and Land Use for the cost of curating the fossils, preparing the Final Paleontological Resources Mitigation Program Report, and transferring the collection to the

accredited institution that has agreed to accept the collection.”

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Alyssa Maxson, Planning Manager
Regulatory Planning Division

AM:ES